

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

V.

CLAUDE SLOAN,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Case No. 2:18CR00004

Case No. 2:00CR10101

OPINION AND ORDER

By: James P. Jones

United States District Judge

Nancy C. Dickenson-Vicars, Assistant Federal Public Defender, Abingdon, Virginia, for Defendant.

The defendant has filed a third pro se motion seeking compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), which motion has been supplemented by his counsel. The basis for the motion is the defendant's risk of serious illness from possible infection by the Covid-19 virus, in light of his advanced age and medical conditions.

Sloan was sentenced by this court on November 14, 2018, after pleading guilty to the following three counts: (1) possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1); (2) manufacture and possession with intent to distribute more than 100 marijuana plants, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); and (3) distribution of marijuana, in violation of § 841(a)(1) and (b)(1)(D). The court determined he had a guideline range of 37 months to 46 months, based on

a Total Offense Level of 19 and a criminal history score of III. However, the court varied upward due to the serious nature of Sloan's criminal conduct. Sloan was sentenced to a total term of 144 months. Sloan also violated his supervised release for a prior federal conviction by committing the instant offense, and he was sentenced to serve an additional 24 months consecutive to his 144-month sentence. His present projected release date is February 16, 2030.

Sloan has filed two previous recent motions based on the same ground that were denied by this court. *United States v. Sloan*, Nos. 2:18CR00004, 2:00CR10101, 2020 WL 4013242 (W.D. Va. July 16, 2020), *appeal placed in abeyance*, No. 20-7187 (4th Cir. Feb. 16, 2021); *United States v. Sloan*, No. 2:18CR00004, EFC No. 83 (W.D. Va. Mar. 6, 2020), *aff'd*, 823 F. App'x 173 (4th Cir. 2020).

While I recognized from these prior motions Sloan's health conditions and the risk of Covid-19, I found that considering the 18 U.S.C. § 3553(a) factors, including his past criminal conduct and the need for deterrence and to protect the public, he was not qualified for such extraordinary relief. The same reasoning applies to the present motion, but in addition, counsel has reported that Sloan received Covid-19 vaccine on June 28, 2021, which will make it less likely that he will suffer serious illness if infected.

For the reasons stated, it is **ORDERED** that the defendant's motion, Case No. 2:18CR00004, ECF No. 117 and 134, and Case No. 2:00CR10101, ECF No. 142, is DENIED.

ENTER: July 19, 2021

/s/ JAMES P. JONES

United States District Judge